

Date of Decision : 5th February, 1996.

Special Civil Application No.9118 of 1995.

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For Approval and Signature

The Honourable Mr.Justice C.K. Thakkar

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.R.D. Raval, Advocate, for the petitioner.

Mr.D.A. Bambhania, Additional Government Pleader, for the respondents.

Coram : C.K. THAKKAR, J.  
( 5th February, 1996 )

Oral Judgment :-

Rule. Mr.Bambhania appears and waives service of rule on behalf of the respondents. In the facts and circumstances of the case, the matter is taken up for final hearing today.

This petition is filed by the petitioner for getting an appropriate relief from this Court, directing the respondent-authorities to reinstate him in service. It is the case of the petitioner that the petitioner was facing a murder trial. However, by judgment and order dated August 6, 1993, the petitioner came to be acquitted. It is his case that even though he had gone for reporting for duty, he was not allowed to resume duty. The counsel for the petitioner states that no order of suspension was passed against him. He further stated that even though the petitioner was acquitted by a competent criminal court and no appeal against an order of acquittal was filed by the State Government, nor departmental proceedings were initiated against the petitioner, nor the petitioner was placed under suspension, he is not allowed to resume duty.

In the facts and circumstances of the case, the petition is partly allowed and it is directed that the respondent-authority will consider the case of the petitioner and pass an appropriate order in accordance with law. Rule is accordingly made absolute to the above extent, with no order as to costs.

In view of the fact that even after the acquittal the petitioner is not taken back and since today, i.e. on February 5, 1996, the present order is passed by this Court, the respondent-authorities are directed to pass an appropriate order, as expeditiously as possible, preferably within four weeks from the date of receipt of the writ.

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(apj)

